REMARKS

Reconsideration of this application is respectfully requested. Claims 1-4 and 6-12 are pending in this application. Claims 1, 3-4 and 6-7 stand rejected. Clam 2 was objected to as being dependent upon a rejected base claim, but was indicated to be allowable if rewritten in independent form. Claims 8-12 are allowed.

Claim Rejections – 35 U.S.C. §103

Claims 1 and 3-4 are rejected under 35 U.S.C. §103(a) as being unpatentable over **Ikeda et al.** (USP 6,957,083, previously cited) in view of **Kato** (JP 2003-051871 cited in the IDS filed on 05/05/2006). For the reasons set forth in detail below, these rejections are respectfully traversed.

Claim 1

Independent claim 1 was previously rejected over only **Ikeda et al.** The Examiner now asserts that **Ikeda et al.** discloses all elements recited in claim 1, except for the "closing means for closing the sound emitting holes in a closed state of the both cabinets, provided in the cover cabinet." See Office Action, page 6, lines 3-4. The Examiner relies on the **Kato** reference to teach the claimed "closing means."

A detailed discussion of the **Ikeda et al.** reference has been previously provided. Therefore, a detailed discussion of this reference will not be repeated here.

Kato discloses a foldable portable communication terminal 10 that can provide hands-free speech. The foldable portable terminal 10 includes sensors for sensing whether a case is

folded and whether something (e.g., a shirt pocket) is clamped between a cover 11 and a main body 12 of the foldable terminal 10 (see Fig. 4). Further, the portable terminal 10 includes a transmission section 53 provided in a hinge 13 and a reception section 52 provided in a cover 11. The terminal 10 also includes a transmission section and a reception section provided inside the case.

In operation, when the case of the terminal 10 is open, the transmission section and a reception section provided inside the case are used. When the sensors sense that the case is folded and something (e.g., a shirt pocket) is clamped between the cover 11 and the main body 12, then the transmission section and reception section inside the case are switched to the transmission section 53 in the hinge and the reception section 52 in the cover 11.

It is respectfully submitted that, contrary to the asserted rejection, the **Kato** reference does not disclose or suggest the claimed "closing means for closing the sound emitting holes in a closed state of the both cabinets, provided in the cover cabinet."

Kato discloses switching from using the transmission section and reception section inside the case of the foldable portable terminal 10 to using the transmission section 53 in the hinge and the reception section 52 in the cover 11 in response to the sensors sensing that the case is folded and something (e.g., a shirt pocket) is clamped between the cover 11 and the main body 12.

However, the switching from using the transmission/reception sections located inside the case to using the transmission/reception sections 53, 52 located on the outside of the case does not "[close] the sound emitting holes." It is submitted that switching between

transmission/reception sections would simply change the place where sound is transmitted/received, but does not cover sound emitting holes of a speaker.

In summary, it is submitted that the claimed "closing means for closing the sound emitting holes in a closed state of the both cabinets, provided in the cover cabinet" is different from a switch that switches between operation of different transmission/reception sections, as in **Kato**. Therefore, the combination of **Ikeda et al.** and **Kato** does not disclose or suggest all claimed elements, as required under §103. Accordingly, reconsideration and withdrawal of the rejection of claim 1 under §103 are respectfully requested.

Claim 3

Independent claim 3 is directed to the embodiment of he invention shown in Figs. 5 and 6, wherein a projection 73 is disposed on an inner surface of the body cabinet 1 to close the sound emitting holes 22a when both cabinets 1, 2 are closed.

The Office Action asserts that **Ikeda et al.** discloses all of the features of claim 3 except the "closing means for closing the sound emitting holes ...provided in the body cabinet" and "wherein ... the closing means comprises a projection formed within an inner surface area of the body cabinet in a position to face the sound emitting holes in a closed state of the both cabinets, the projection closing the sound emitting holes in the closed state of the both cabinets, and separating from the sound emitting holes with the cover cabinet opened." See page 7, lines 15-20 of Office Action.

The Office Action asserts that **Kato** discloses "a sensor for sensing if two cell phone covers are closed by being in contact with each other, where the transmission of sound is blocked off but if not in contact with each other, the transmission of sound is open (Kato, abstract: the sensor in Kato could be provided in the cover or body cabinet)." See Office Action, page 7, line 20 – page 8, line 2.

However, it is respectfully submitted that, contrary to the Examiner's assertion, **Kato** does not disclose the claimed "wherein ...the closing means comprises a projection ...closing the sound emitting holes in a closed state of the both cabinets ...and separating from the sound emitting holes with the cover cabinet opened."

It appears that the Examiner considers the sensors in **Kato** to correspond to the claimed closing means. However, as discussed above with respect to the rejection of claim 1, **Kato** discloses a switch that switches from using the transmission section and reception section inside the case to using the transmission section 53 in the hinge and the reception section 52 in the cover 11 in response to the sensors sensing that the case is folded and something (e.g., a shirt pocket) is clamped between the cover 11 and the main body 12.

First, it is respectfully submitted that the switching between different transmission/reception sections in **Kato** does not close sound emitting holes. The sound emitting holes inside the case in **Kato** are still open when the transmission/reception sections that are used are switched to transmission section 53 and reception section 52.

Second, it is respectfully submitted that **Kato** does not disclose that the sensor is "a projection formed...in a position to face the sound emitting holes in a closed state of the both

cabinets, the projection closing the sound emitting holes in the closed state of the both cabinets, and separating from the sound emitting holes with the cover cabinet opened."

Accordingly, it is submitted that the combination of **Ikeda et al.** and **Kato** does not disclose or suggest all claimed elements recited in claim 3, as required under §103. Therefore, reconsideration and withdrawal of the rejection of claim 3 under §103 are respectfully requested. Clam 4 depends from claim 3 and is allowable by virtue of its dependency thereon.

Claim Rejection – 35 U.S.C. §102

Claims 6-7 are rejected under 35 U.S.C. §102(e) as being anticipated by **Ikeda et al.** (USP 6,957,083, previously cited). For the reasons set forth in detail below, this rejection is respectfully traversed.

Claim 6

Initially, it is noted that claim 6 has been amended to delete duplicate language that was previously inadvertently inserted in the claim.

Briefly reiterating, in the August 14, 2007 Amendment, claim 6 was rewritten in independent form to include the features of independent claim 5. Claim 6 was previously rejected over **Ikeda et al.** in view of **Lee**. However, **Lee** was removed as an effective prior art reference by submitting a verified translation of the priority document. The Examiner now asserts that **Ikeda et al.** discloses all of the features of claim 6 in Figs. 1a, 1b and Fig. 4.

It is respectfully submitted that **Ikeda et al.** does not disclose or suggest the claimed "a partition wall ...wherein the partition wall is formed by a rib projecting from one of two inner

walls opposed to each other inside the cover cabinet toward the other inner wall, and a cushion member intervening between an end of the rib and the other inner wall."

The Office Action cites Fig. 4 of **Ikeda et al.** to teach the claimed "partition wall". Fig. 4 is an exploded view of the first casing 100 (cover cabinet) shown in Fig. 1a. The first casing 100 includes a first speaker 103 and a second speaker 106.

The Examiner apparently concludes that there is some type of "wall" between the first speaker 103 and the second speaker 106 shown in Fig. 4. However, it is submitted that Fig. 4 of **Ikeda et al.** and the description thereof do not show or describe a "partition wall is formed by *a rib projecting from one of two inner walls opposed to each other inside the cover cabinet toward the other inner wall, and a cushion member intervening between an end of the rib and the other inner wall.*" There is simply no partition wall shown in Fig. 4, or described in the accompanying description, having a structure comprising a partition formed of a rib that projects from one inner wall of the cover cabinet toward an opposed inner wall and a cushion intervening between one end of the rib and the opposed inner wall.

Finally, it is noted that the Examiner's rejection does not point out any specific reference numeral(s) in Fig. 4 corresponding to the claimed rib and cushion member.

Claim 7

Independent claim 7 is rejected over the same figures (i.e., Figs. 1a, 1b and 4) of **Ikeda et al.** as claim 6.

It is respectfully submitted that **Ikeda et al.** does not disclose or suggest the claimed "wherein...the partition wall is formed by a first projection projecting from the inner cabinet half, a second projection projecting from the rear cabinet half and being opposed to the first projection, and a seal member intervening between the both projections, wherein the first and second projections are in close contact with the seal member."

The Examiner relies on Fig. 4 to teach the claimed "partition". However, it is submitted that Fig. 4 and the description thereof do not illustrate or describe a partition wall formed of first and second projections and a seal member, as claimed.

A rejection under §102 requires that each and every claimed element must be disclosed in the cited reference. **Ikeda et al.** does not disclose or suggest each and every element recited in claims 6 and 7. Therefore, it is respectfully submitted that the rejection under §102 is improper and should be withdrawn.

CONCLUSION

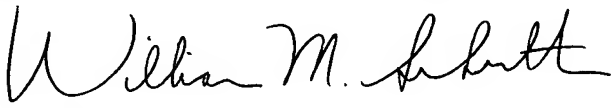
In view of the foregoing, it is submitted that all pending claims are in condition for allowance. A prompt and favorable reconsideration of the rejection and an indication of allowability of all pending claims are earnestly solicited.

If the Examiner believes that there are issues remaining to be resolved in this application, the Examiner is invited to contact the undersigned attorney at the telephone number indicated below to arrange for an interview to expedite and complete prosecution of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP



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